

REMARKS

As a supplement to the Request for Reconsideration dated August 16, 2006, and in further reply to the Final Office Action dated May 16, 2006, Applicant proposes to amend claims 2, 6, and 33 to clarify the claimed invention.

Applicants appreciate Examiner Subramanian's efforts to expedite prosecution of this application during the personal interview on September 19, 2006. During the interview, the Examiner stated that the proposed amendments to the claims would overcome the outstanding grounds for rejection, and place the application in condition for allowance subject to further search and consideration.

In light of this indication of allowability, Applicant proposes to amend claims 2, 6, and 33 to make it clear that the claimed invention is drawn to a method for using an electronic network system to advertise a Web site. Applicant also proposes to amend independent claim 1 to make it clear that the term "the offer," as recited in the steps of randomly displaying and withdrawing, refer to an offer to accept a product or service at an offer price that is "substantially equal to a delivery price associated with the transaction, the delivery price being less than a current value of the offered product or service in a competitive marketplace." With respect to independent claim 6, Applicant proposes to amend this claim to indicate that (1) the term "the offer," as recited in the step of withdrawing, refers to an offer price that is "substantially equal to zero," and (2) the phrase "at least one selected buyer" refers to a buyer that is "visiting the Web site." And, with regard to independent claim 33, Applicant proposes to amend this claim to indicate that the term "a selected buyer" refers to a buyer "visiting the web site."

Since these proposed amendments do not alter the reasons for distinguishing the prior art set forth in the Request for Reconsideration dated August 16, 2006, this Amendment does not present any new issues that would either require further consideration or materially complicate the issues for purposes of Appeal. Accordingly, Applicant respectfully requests appropriate entry and consideration of this Amendment. Upon entry of this Amendment, claims 2, 6, 17, 20-33, and 47-48 will remain currently pending.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 2, 6, 17, 20-33, and 47-48 in condition for allowance. Applicant submits that the proposed amendments of claims 2, 6, and 33 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, and further since the claims are deemed allowable if rewritten in independent form. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicant submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner continue to dispute the patentability of the pending claims. Applicant, therefore, requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

In the event the Examiner decides to refuse entry of this Amendment, Applicant again respectfully challenges the Examiner's repeatedly use of his own uncorroborated personal knowledge as a substitute for issuing a complete Office Action on the merits for the same reasons identified in the outstanding Request for Reconsideration. And as

also set forth in the Request for Reconsideration, Applicant requests appropriate identification in the form of a competent prior art reference and corroboration of the Examiner's grounds for invoking Official Notice in the form of a non-final Office Action. In lieu of such a complete Office Action on the merits, Applicant respectfully requests that the Examiner withdraw the outstanding grounds for rejection and place this application in condition for allowance.

Additionally, the Examiner is invited to telephone the undersigned Applicant's representatives at (202) 408-6052 if it would be helpful to further expedite the prosecution of this application and, thereby, minimize time and expense.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, and not requested by attachment, such extension is hereby requested. If there are any fees due under 37 C.F.R. § 1.16 or 1.17 that are not enclosed, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge those fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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Dated: September 26, 2006